

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION**

CASE NO.: 1:19-cv-01638-YK

ADLIFE MARKETING &
COMMUNICATIONS CO., INC.,

Plaintiff,

v.

KARNS PRIME AND FANCY FOOD LTD.
and AD POST GRAPHICS MEDIA
MARKETING, INC.,

Defendants.

DECLARATION OF JOEL B. ROTHMAN

I, Joel B. Rothman, declare and say:

1. I am the managing partner of SRIPLAW.
2. I am admitted to practice in the states of New York (since 1992), Florida (since 1996), and Georgia (since 2017), and I am awaiting admission to the bar of the state of Washington.
3. I am admitted to practice in the U.S. Supreme Court, seven U.S. Courts of Appeal, and twenty-six U.S. District Courts.
4. I am Board Certified in Intellectual Property by the Florida Bar.
5. I am familiar with the decision in *Usherson v. Bandshell Artist Mgmt.*, No. 19-CV-6368 (JMF), 2020 WL 3483661 (S.D.N.Y. June 26, 2020). I have also reviewed the docket in that case and the July 27, 2020 declaration filed by Richard Liebowitz in the *Usherson* case in

which he certifies under penalty of perjury that on July 27, 2020 Mr. Liebowitz served a copy of the order in *Usherson* on “every one of LLF’s clients.”

6. In preparation for filing Adlife’s Motion for Reconsideration in this case, I caused our firm’s electronic discovery vendor Precision Legal Services (<https://www.plsdata.com/>) (PLS) to obtain all of the emails of all the Adlife custodians who worked with Mr. Liebowitz on matters that in which LLF represented Adlife: Ms. Rebecca Jones, Mr. Douglas Fleurant, and Mr. Joel Albrizio.

7. PLS is a professional and capable ESI vendor that I have worked with for over seven years including in complex cases pending in numerous federal districts. PLS is owned and operated by an attorney Marc Hirschfeld.

8. PLS searched the email obtained from the three Adlife employees listed above for emails from senders using the email suffix “@liebowitzlawfirm.com” and also for rl@liebowitzlawfirm.com.

9. PLS then provided me with the results of its search in an ESI database. I personally reviewed all the emails belonging to the three Adlife employees listed above.

10. I did not find an email from Mr. Liebowitz or anyone at his law firm informing Adlife of the decision in *Usherson*.

I declare under perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 15, 2021 at Boca Raton, Florida.

/s/ Joel B. Rothman
Joel B. Rothman